

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

In the present Application, Claims 23, 26-27, 29, 33, 36-37 and 39-41 are pending. Claims 1-22, 24, 30-32, and 34 were cancelled by previous amendments. The present Amendment amends Claims 23, 27, 33 and 37, and adds new Claims 40-41 without introducing any new matter; and cancels Claims 25, 28, 35 and 38 without prejudice or disclaimer.

In March 12, 2009 Official Action, Claims 23-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneck et al. (U.S. Patent No. 6,510,349; hereinafter “Schneck”) in view of Klein (U.S. Patent No. 7,103,661).

The May 11, 2009 Advisory Action entered the Amendment filed on April 28, 2009, but upheld the rejections formed in the March 12, 2009 Official Action.

First, Applicants wish to thank Examiner Pan for the courtesy of an interview granted to Applicants’ representative Nikolaus P. Schibli, Ph.D., Reg. No. 56,994, on June 5, 2009, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that in light of the arguments he would reconsider the outstanding grounds for rejection upon formal submission of a response.

In response, independent Claim 23 is amended to recite all the features of dependent Claim 25 and 28. In addition, independent Claim 33 is amended to recite all the features of dependent Claims 35 and 38. These features find non-limiting support in Applicants’ disclosure as originally filed, for example in the specification at page 13, lines 15-16, and in Figures 5. Consequently, Claims 25, 28, 35 and 38 are cancelled without prejudice or

disclaimer, and dependent Claims 27 and 37 are amended to change their claim dependency.

No new matter has been added.

Moreover, new Claims 40-41 have been added, depending from independent Claims 23 and 33, respectively. The new claims recite features related to the discontinuance of an established communication, and find non-limiting support in the specification, for example at page 19, lines 2-6. No new matter has been added.

In response to the rejection of Claim 23 under 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Briefly summarizing, new Claim 23 is directed to a mobile communication terminal device configured to perform encrypted communication with a communication system over a wireless connection. The terminal device includes a detection unit configured to establish a communication activation procedure with the communication system, and configured to detect a security level that is used during the communication activation procedure with the communication system; and an announcing unit configured to inform a user of the mobile communication terminal device about a strength of encryption of the detected security level from the communication activation procedure.

Moreover, the terminal further includes a user interface operable by the user, configured to allow the user to accept an incoming communication from the communication system, or is configured to allow the user to terminate the communication with the communication system, based on the detected security level, a data security setting unit allowing the user to set and store a reference security level for the mobile communication terminal device; and a comparison unit configured to compare the reference security level with the detected security level, and to either establish a communication with the communication system or accept an incoming communication from the communication

system, if the reference security level is met, wherein the announcing unit is further configured to inform the user during the communication that has been established by said comparison unit that an actual security level of the communication has dropped below the reference security level.

Turning now to the applied references, Schneck is directed to a method of data communication with adaptive data security, where a host 103 sends a data stream to a receiver 106, with data that includes verification type, security algorithm, and target and actual security level. (Schneck, Abstract, col. 4, ll. 22-59, and Fig. 1.) Schneck explains that the desired security configuration can be displayed on a display device 136 of the host 103 that sends the data, and that the actual security level can be ultimately be determined by the receiver 106, depending on a configuration specified by the user. (Schneck, col. 5, ll. 10-15, Fig. 3, step S306.)

Regarding the step S306 in Figure 3, Schneck explains that once the communication has been set-up after step S303, data communication is established, and desired security parameters are sent to the receiver 106. (Schneck, col. 8, ll. 27-31.) In a case the receiver 106 cannot establish the desired security level because of insufficient processing power (security operations per second, SOPS), the receiver 106 can propose an “actual security configuration” to the send host 103. (Schneck, col. 8, ll. 31-42.) The parameters of the “actual security configuration” can be displayed on the sender side, at the send host 103 on its display device 130. (Schneck, col. 8, ll. 42-48.) An example of such a display on the sender side is shown in Figure 4, where different security parameters can be set. (Schneck, col. 9, ll. 30-50, Fig. 4.) However, Schneck fails to teach all the features of Applicants’ amended, independent Claim 23. In particular, Schneck fails to teach:

the announcing unit is further configured to inform the user during the communication that has been established by said comparison unit that an

actual security level of the communication has dropped below the reference security level.

(Claim 23, portions omitted.) The March 12, 2009 Office Action rejected these features by pointing out to Schneck's Figures 1 and 4, elements 136 and 176. (Office Action, p. 4, ll. 16-21) But in Schneck's Figure 1, it is merely shown that both the send host 103 and the receiver 106 can have a display unit 136, 176. In addition, Schneck's Figure 4 depicts a user interface that can be displayed on the send host 103. (Schneck, col. 9, ll. 30-33, Figs. 1, 2, and 4.) Schneck's graphical user interface 403 of Figure 4 can be used to by the user at the sending side with host 103 to configure the security parameters of a transmission. (Schneck, col. 9, ll. 33-49.) For example, the user can set the actual security level 439 by a slide control 443, and can set the security parameters by algorithm 453 and actual verification type 456. (Schneck, from col. 9, l. 63, to col. 10, ll. 11.) But Schneck's slider that indicates that "actual security level 439" does not show a security level of an established communication that is variable, and may drop below a certain value. As explained in Schneck, it is merely a user interface tool for the user to set the present security level differently. Therefore, Schneck clearly fails to teach an announcing unit that informs the user during the communication that has been established by said comparison unit that an actual security level of the communication *has dropped* below the reference security level, as required by Applicants' independent Claim 23. No such feature is shown in his Figure 4.

Moreover, in Schneck, the user decides *on the sender side* (send host 103) whether the communication should be established, and what the security parameters should be, for example with the user interface 403 on the send host 103. (Schneck, Figs. 1, 2, and 4, ref. 103, 136, 129, see also col. 7, ll. 12-15, "the user may adjust the actual security level via the user input 129.") Therefore, Schneck fails to teach that the terminal further includes an announcing unit is further configured to inform the user during the established

communication, that was accepted as an incoming communication, as further required by Applicants' independent Claim 23.

The reference Klein, used by the pending Office Action to form a 35 U.S.C. § 103(a) rejection, fails to remedy the deficiencies of Schneck, even if we assume that the combination is proper. Klein is directed to a method for configuring a wireless network adapter between a remote unit 15 and a base station 12, 13, and 14, that enables the adapter to recognize and connect to one or more networks. (Klein, Abstract). In Figures 6, 7-13 of Klein, screen shots of a profile wizard 600 are shown to configure a WLAN connection by a remote unit 15 to a base station 12, 13, and 14. (Klein, col. 6, ll. 34-50, col. 8, ll. 9-19, Figures 6, 7-13.) However, Klein is silent on the features related to the announcing unit, as required by Applicants' independent Claim 23. Therefore, the cited passages of Schneck and Klein fail to teach every element of Applicants' Claim 23. Accordingly, Applicants respectfully traverse, and request reconsideration of this rejection based on these references.

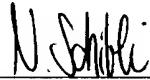
Independent Claims 33 recites features that are analogous to the features recited in independent Claim 23, but directed to a method. Moreover, independent Claim 33 has been amended analogously to the amendments to independent Claim 23. Accordingly, for the reasons stated above for the patentability of Claim 23, Applicants respectfully submit that the rejections of Claim 33, and the rejections of all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 23.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 23, 26-27, 29, 33, 36-37 and 39-41 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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